



11/24/624

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: R.R. Ferlita, et al.

Serial No.: 10/585,603 (Case No. 21581YP)

Art Unit:
1624

Filed: July 11, 2006

Examiner:
Jeffrey Murray

Entitled: NOVEL CRYSTALLINE SALTS OF A
DIPEPTIDYL PEPTIDASE-IV INHIBITOR

.....

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION/ RESTRICTION REQUIREMENT

Sir:

In response to the Examiner's Election/Restriction Requirement dated December 1, 2008, for which a response is due by January 1, 2009, please consider the following remarks.

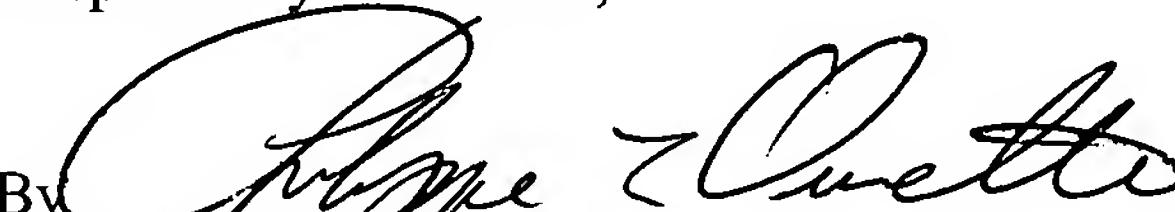
Applicants hereby elect without traverse the invention defined in Group I, claims 1-36, drawn to compounds or compositions of the Formula I, classified in class 544 and various subclasses depending on the nature of the substituents.

The Examiner has required restriction between product and process claims. Applicants note that, upon an indication of allowable subject matter in Group I, the process claims of Group II should be rejoined under MPEP §821.04 so long as they are commensurate in scope therewith.

Applicants have also been asked to elect a single disclosed species. Applicants elect without traverse for the purposes of restriction and examination the species as set forth in Example 3 denoted on page 16, lines 2-11, of the present application, namely, the compound of formula (I) wherein HX is benzenesulfonic acid.

While Applicants do not concede that the above-identified species would not also encompass other claims, the following claims appear to form a group commensurate with the elected species for search and examination purposes only: Claims 1, 3, 21-25, and 36. Claims other than those listed here may also be relevant to the elected species in certain cases.

Respectfully submitted,

By 
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Date: December 18, 2008

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.
By Pamela C. Spalding Date 12-18-08